

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-16, 23 and 34 were previously canceled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 17-22, 24-33, 35 and 36 are pending in the present application, of which claims 17, 27 and 28 are independent.

Noted - IDS Considered

The indication (see Examiner-initialed attachment to the Office Action mailed April 25, 2008) that the Information Disclosure Statement (IDS) as filed on November 14, 2007 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see the Office Action Summary mailed May 10, 2007, boxes 10(a) have been checked) that the Drawings (submitted on April 13, 2004) have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §101

Claim 27 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action asserts that the claimed invention is not tied to a particular machine. By the foregoing amendments, the method of claim 27 has been tied to a central processing unit. Further, it is noted that claim 27 recites a retaining unit within the body of the claim. Accordingly, reconsideration and withdrawal of the rejection is respectfully

requested.

Claim Rejection Under 35 U.S.C. §103

Claims 17, 18, 20, 24, 25, 27-29, 31, 35 and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keller (US 5,752,032) in view of Suzuki et al. (US 6,202,154).

INDEPENDENT CLAIM 17

As an example, the Office Action acknowledges that features of claim 17, namely:

an access control unit to refine the resources retained by the retaining unit to an accessible set of resources corresponding to the current operation mode, and to determine, ..., whether a necessary resource to execute the input command is included or not in the accessible set of resources; and

an execution unit to acquire all of the necessary resource from the accessible set of resources obtained by the access control unit, ...,

distinguish over Keller. (See page 4, item 6 of the present Office Action.) As will be explained below, at least that same features of claim 17 also are distinctions over Suzuki et al., and thus over its combination with Keller.

The Office Action cites column 3, lines 1-15 of Suzuki et al. regarding the above noted features of claim 17. However, Suzuki et al. recites, at column 3, lines 1-6, the following:

an address error indicating that at least one of the transfer source address and data transfer destination address is deviated from the mode operation for the combination of the data transfer source area and data transfer destination designated by the resource select information in order to determine permission/prohibition of the data transfer.

Suzuki et al. does not disclose refining resources to an accessible set of resources corresponding to operation mode and acquiring necessary resource from the accessible set of resources. Rather, Suzuki et al. merely discloses determining whether one of the source address and destination address is deviated from the mode operation. Hence, the noted features of claim 17, namely:

- an access control unit to refine the resources retained by the retaining unit to an accessible set of resources corresponding to the current operation mode, and to determine, ..., whether a necessary resource to execute the input command is included or not in the accessible set of resources; and

- an execution unit to acquire all of the necessary resource from the accessible set of resources obtained by the access control unit, ...,

provide distinctions over Suzuki et al., and thus over its combination with Keller.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinctions of claim 17 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 17. Claims 18, 20, 24 and 25 depend from claim 17, respectively, and so at least similarly distinguish over the asserted combination of references.

CLAIMS 27 AND 28

As an example, the Office Action acknowledges that features of claims 27 and 28, namely:

- refining the resources retained in the retaining unit to an accessible set of resources corresponding to the current operation mode;

- determining whether a necessary resource to execute the input command is included or not in the accessible set of

resources, ...; and
acquiring all of the necessary resource from the
accessible set of resources retained in the retaining unit ...;
distinguish over Keller. (See page 4, item 6 of the present Office Action.) As will
be explained below, at least these same features of claims 27 and 28 also provide
distinctions over Suzuki et al., and thus over its combination with Keller.

Again, it is noted that column 3, lines 1-6 of Suzuki et al. merely recites:

an address error indicating that at least one of the
transfer source address and data transfer destination address
is deviated from the mode operation for the combination of
the data transfer source area and data transfer destination
designated by the resource select information in order to
determine permission/prohibition of the data transfer.

Suzuki et al. does not disclose refining resources to an accessible set of resources
corresponding to operation mode and acquiring necessary resource from the
accessible set of resources. Rather, Suzuki et al. merely discloses determining
whether one of the source address and destination address is deviated from the
mode operation. Hence, the noted features of claims 27 and 28, namely:

refining the resources retained in the retaining unit to an
accessible set of resources corresponding to the current
operation mode;

determining whether a necessary resource to execute
the input command is included or not in the accessible set of
resources, ...; and

acquiring all of the necessary resource from the
accessible set of resources retained in the retaining unit ...;

provide distinctions over Suzuki et al., and thus over its combination with Keller.

By failing to show each and every element of claims 27 and 28 as arranged
in the claim, the asserted combination of references fails to anticipate or render
obvious claims 27 and 28. Claims 29, 31, 35 and 36 depend from claim 28,
respectively, and so at least similarly distinguish over the asserted combination of

references.

In view of the foregoing discussion, the rejection of claims 17, 18, 20, 24, 25, 27-29, 31, 35 and 36 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

OTHER CLAIMS

Claims 19 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Suzuki et al. and further in view of Heinonen et al. (US 6,633,758).

Claims 21, 22, 32 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Suzuki et al. and further in view of Bryon Nevis et al. (US 6,581,159).

Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Suzuki et al. and further in view of Mark Biondi (US 6,622,246).

Claims 19, 21, 22, 26, 30, 32 and 33 depend from independent claims 17 and 28, respectively. A basis for how Keller and Suzuki et al. are deficient vis-à-vis claims 17 and 28 has been discussed above. The Office Action does not rely upon Heinonen, Bryon Nevis or Mark Biondi to compensate for these deficiencies. Hence, the noted features of claims 17 and 28 also provide distinctions over Heinonen, Bryon Nevis and Mark Biondi as evidenced, e.g., by the Office Action.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinctions of claims 17 and 28 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 17 and 28. Claims 19, 21, 22, 26, 30, 32 and 33 depend from claims 17 and 28, respectively, and so at least similarly distinguish

over the asserted combination of references.

In view of the foregoing discussion, the rejections of claims 19, 21, 22, 26, 30, 32 and 33 are improper. Accordingly, withdrawal of the rejections is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: August 6, 2009

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